

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/NL2006/050133

International filing date (day/month/year)
02.06.2006

Priority date (day/month/year)
02.06.2005

International Patent Classification (IPC) or both national classification and IPC
INV. B65D77/06 B31B7/00 B31B19/36 B31B23/00

Applicant
SMQ GROUP B.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2006/050133

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2006/050133

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------------|
| Novelty (N) | Yes: Claims | 2-8 |
| | No: Claims | 1,9-11 |
| Inventive step (IS) | Yes: Claims | 2,3,6-8 |
| | No: Claims | 1,4,5,9-11 |
| Industrial applicability (IA) | Yes: Claims | 1-11 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V.

1. Reference is made to the following documents:

D1: EP 0 493 332 A (COMES SRL [IT]) 1 July 1992 (1992-07-01)

D2: DE 102 14 712 A1 (SVD VERPACKUNGEN GMBH) 16 October 2003 (2003-10-16)

D3: GB 540 564 A (ARTHUR RYNER; WALTER HUGH FAWKES) 22 October

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D4: US-A-3 496 059 (OLE-BENDT RASMUSSEN) 17 February 1970 (1970-02-17)

2. INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A method of manufacturing a foldable bag suitable for use in a bag-in-box assembly, the foldable bag having a folded condition in which it includes at least an

inwardly creased bag portion (fig 7) in a longitudinal direction thereof, the method comprising the steps:

- providing a flexible bag comprising a front sheet (3) and a back sheet (3) which are circumferentially joined to each other, which bag has an unfolded condition in which it includes at least a side edge (fig 7);
- displacing the front sheet (3) and the back sheet (3) away from each other in at least a region of displacement extending on each of the sheets remote from the side edge, hence creating a space between the front and back sheet (3) in at least said region of displacement;
- displacing the side edge in the direction of said space so as to form two double-walled flaps (fig 7), each extending substantially perpendicularly to the side edge, thus forming an inwardly creased bag portion in the longitudinal direction of the bag;
- moving the flaps to each other when the side edge has reached a predetermined position between the front and back sheet (3) of the bag.

(abstract; col 2, line 58 - col 5, line 30; fig 1-3, 6 and 7)

3. INDEPENDENT CLAIM 9

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 9 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A foldable bag suitable for use in a bag-in-box assembly, the bag having a folded condition when it is empty, in which condition the bag includes a bottom edge and a top edge opposite to each other in a longitudinal direction of the bag, and at least an inwardly creased bag portion in the longitudinal direction of the bag, which inwardly creased bag portion has a first closed end and a second closed end opposite to each other in the longitudinal direction of the inwardly creased bag portion, wherein the first and/or second closed end of the inwardly creased bag portion is a free end.

(abstract; col 2, line 58 - col 5, line 30; fig 1-3, 6 and 7)

For the sake of completeness, it is pointed out that each of the documents D2 and

D3 also discloses the subject-matter of claim 9.

4. DEPENDENT CLAIMS 4, 5, 10, 11

Dependent claims 4, 5, 10, 11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (10 and 11) or inventive step (4 and 5) (Article 33(2) and (3) PCT), see Search Report and the prior art cited therein.

5. DEPENDENT CLAIMS 2, 3, 6-8

Dependent claims 2, 3 and 6-8 meet the requirements of the PCT in respect of novelty and inventive step (Article 33(2) and (3) PCT), because none of the prior art documents appears to suggest the subject-matter of these claims.

Re Item VII.

1. Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

2. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D4 is not mentioned in the description, nor are these documents identified therein.